

Amendments to the Drawings:

The attached two (2) sheets of drawings include changes to FIGS. 9a, 9b, 9c and 9d. In amended FIGS. 9a, 9b, 9c and 9d, AS is used to designate the adapter system instead of P. These sheets which include FIGS. 9a, 9b, 9c and 9d replace the sheets currently on file depicting FIGS. 9a, 9b, 9c and 9d.

Attached: Two (2) Replacement sheets of drawings

REMARKS

The claims are 38-53 and 56-66. Claims 54 and 55 have been canceled. Independent claim 38 has been amended to include the subject matter of claims 54 and 55 to better define the invention and for formal purposes. Claims 56, 58, 61, 62, and 65 have been amended to conform to the amendments to claim 38. Claim 45 has been amended to delete what the Examiner considered a product-by-process recitation, and this claim and claims 39-44, 46-51, 53, 56-58, and 60-66 have been amended for formal purposes. FIGS. 9a-9d have been amended to change the original reference symbol "P" for the adapter system to the reference symbol --AS--, and the specification has been amended to conform to the amendments to FIGS. 9a-9d. Support for the amendment to claim 38 may be found, *inter alia*, in the first full paragraph of page 6 of the specification. Reconsideration is expressly requested.

The Examiner objected to the drawings under 37 CFR 1.84(p)(4) because reference character "P" was used to designate both Persons in FIGS. 1-3 and Adapter System in FIGS. 9a-9d. In response, Applicants have amended FIGS. 9a-9d to replace the reference character "P" with the reference character --AS--, and the specification has been amended accordingly. It is

respectfully submitted that the foregoing amendments overcome the Examiner's objections to the drawings, and Applicants respectfully request that the objection to the drawings be withdrawn.

Claims 38-66 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because of the inclusion of the suffix "-like". In response, independent claim 38 has been amended to replace the phrase "capsule-like" with the phrase "capsule-shaped". It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. §112, second paragraph.

Claims 38-39, 41-43, 46-49 and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ladika et al. U.S. Patent No. 5,663,520* in view of *Knoll et al. U.S. Patent No. 6,378,939*. Claim 45 was rejected as being a product-by-process claim. The remaining claims were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ladika et al.* and *Knoll et al.* in further view of *Forsyth et al. U.S. Patent No. 3,215,219* (claim 40), *Miguel U.S. Patent No. 4,404,889* (claim 44), *Hoffman U.S. Patent No. 6,267,240* (claims 50-54, 56-56, 65 and 66) or *Hoffman and Barecki U.S. Patent No. 3,630566* (claim 64).

Essentially the Examiner's position was that *Ladika et al.* discloses the modular shelter system recited in the claims, except for features which were considered either within the skill in the art or taught by the secondary references to *Knoll et al.*, *Forsyth et al.*, *Miguel*, *Hoffman*, or *Barecki*. With respect to claim 45, the Examiner gave no patentable weight to the process by which the product was made.

These rejections are respectfully traversed.

As set forth in claim 38 as amended, Applicants' invention provides a modular shelter system, particularly for transport of persons and/or objects. The modular shelter system includes a capsule-shaped housing produced at least partially by means of winding technology and that has a shape, at least on its underside, which guarantees the deflection of blast waves. An accommodation system is disposed within the housing and mounted so that it is uncoupled from the floor of the housing. The accommodation system includes a base element and one or more seats disposed above the base element. In this manner, Applicants' modular shelter system guarantees reliable protection against external military or terrorist attacks and various types of mines, and can be easily adapted to and combined for different

purposes of use.

None of the cited references taken either singly or in combination discloses the elements found in Applicants' modular shelter system as recited in claim 38 as amended, including an accommodation system comprising a base element and one or more seats disposed above the base element, wherein the accommodation system is within a housing that has blast wave protection on its underside, and wherein the accommodation system is mounted uncoupled from the floor of the housing.

The primary reference to *Ladika et al.* relates to an armored vehicle for the protection of persons from mines and other explosives, not a modular shelter system that is autonomous and need not be associated with a vehicle. Moreover, as the Examiner has recognized, the vehicle mine protection structure of *Ladika et al.* fails to disclose or suggest an accommodation system mounted uncoupled from the floor of a capsule-shaped housing.

The defects and deficiencies of *Ladkika et al.* are nowhere remedied by any of the secondary references. *Knoll et al.* simply discloses a seat 100 that is mounted on a frame connected to the floor or ceiling of a helicopter or mounted on a bulkhead or

sidewall of a helicopter, not an accommodation system including a base element and one or more seats disposed above the base element being uncoupled from the floor of the housing. *Hoffman* discloses a military vehicle's seat 2 that is connected to a rod 6 of a shock absorber 4 on floor 14, not an accommodation system including a base element and one or more seats disposed above the base element being uncoupled from the floor of the housing.

The additional secondary references to *Forsyth et al.*, *Barecki*, and *Miguel* also fail to disclose an accommodation system including a base element and one or more seats disposed above the base element being uncoupled from the floor of the housing.

Thus, even if one were to make the hypothetical combination of these references suggested by the Examiner, one would still not achieve Applicants' modular shelter system as recited in amended claim 38.

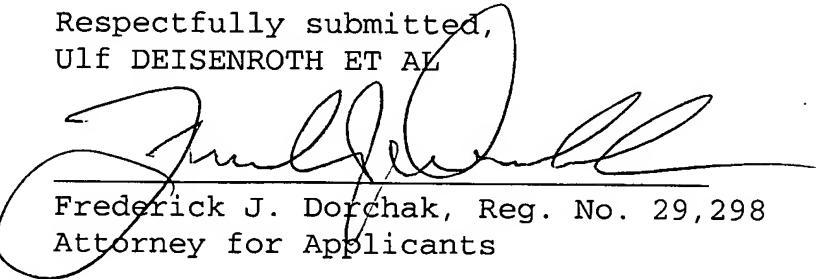
Regarding claim 45, it is respectfully submitted that nothing in MPEP 2112 [R1] precludes the presentation of product-by-process claims. In any event, Applicants have amended claim 45 to delete what was considered a product-by-product recitation.

Accordingly, Applicants respectfully submit that claim 38 as amended is patentable over the cited references, taken either singly or in combination, together with claims 39-53 and 56-66, which depend directly or indirectly thereon.

In summary, claims 38-51, 53, 56-58, and 60-66 have been amended and claims 54 and 55 have been canceled. FIGS. 9a-9d and the specification have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Applicants also submit herewith a Second Supplemental Information Disclosure Statement.

Respectfully submitted,  
Ulf DEISENROTH ET AL

  
Frederick J. Dorchak, Reg. No. 29,298  
Attorney for Applicants

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802  
FJD:CW:djp

Enclosure: Appendix - Two (2) Replacement Sheets  
Second Supplemental Information Disclosure Statement

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2009.

  
Amy Klein

# APPENDIX